

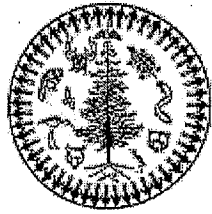
## **FEMA HUMAN REMAINS DISCOVERY PROTOCOL**

Should the Subrecipient (Village of Sidney) or their contractor discover human remains, or what is suspected to be human remains, during the course of the investigation or project construction, project activities in the vicinity of the discovery shall immediately stop and the discovery location shall be secured and protected from damage and disturbance. FEMA requires that the guidelines contained in the ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" be followed and the following protocol be implemented:

1. The person or persons encountering such properties or effects shall immediately notify the SHPO, FEMA Environmental/Historic Preservation, DHSES and the Subrecipient. Construction in the area of such sites or effects shall not resume until the requirements of 36 CFR §800.13(b)(3) have been met.
2. At all times human remains must be treated with the utmost dignity and respect. Should human remains be encountered, work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance.
3. Human remains or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
4. The SHPO, the appropriate Tribal Nations, and the involved state and federal agencies will be notified immediately. The Subrecipient will notify and meet any requirements of the coroner and local law enforcement. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains *in situ* to determine if the remains are Native American or non-Native American.
5. If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. This MOA serves as notice to all parties that avoidance is the preferred choice with SHPO and the Tribal Nations. FEMA will consult SHPO and/or the appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance.
6. If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. FEMA will consult with the necessary parties to determine the appropriate course of action from that point forward in accordance with the requirements of 36 CFR §800.13(b)(3); federal, tribal, state and local laws, including the Haudenosaunee policy on the discovery of human remains (attached).

Points of contact are as follows:

- NYSHPO: Larry Moss or John Bonafide at (518) 237-8643
- FEMA Environmental/Historic Preservation: Donna Bolognino at (518) 518-795-5318
- DHSES: Rick Lord at (518) 292-2304 or Chris Holmes at (518) 292-2324
- Village of Sidney: Sheena Felzak (607) 561-2339



The Haudenosaunee Policies on this page are the official word of the Haudenosaunee Confederacy as promulgated by the Grand Council of Chiefs concerning cultural patrimony & repatriation.

**Note:**

From Kanatiyosh. The policies contain statements that are important to insure cultural sensitivity towards the Haudenosaunee. The statements are evidence of why some school projects, museums, private collections, sellers, governments, and etc., are not being culturally sensitive or respectful to the Haudenosaunee.

## **Haudenosaunee Policy on Human Remains**

### **Haudenosaunee Beliefs**

We have been taught that we bury our dead into the ground so that their bodies can become part of the scared Earth. We believe that we come from the Mother Earth and that the human remains that rest within the Earth are an important spiritual connection to the spirit of the Earth. The Earth is enriched by the dead as our flesh becomes part of the soil.

The souls of the dead have a path of destiny that they must follow. We refer to this as their journey after life. In this way, we feel that the dead are around us and hover over us as we hold ceremonies or dances. We believe that the dead have power and it is dangerous to neglect the spiritual needs of the dead.

The protection of the human remains and associated graves, sacred burial sites and related objects from the graves of the Haudenosaunee are the responsibility of each generation of chiefs, clan mothers, and faithkeepers. We believe that the remains, the associated burial objects and the actual soil in which they rest is sacred. There is no acceptable excuses to justify the desecration of this sacred burial.

### **Violation of Our Spiritual Rights**

Removing the remains from their eternal resting place is a great desecration to both the dead and the living. The disturbance, destruction, and theft of the dead is a violation of the religious and spiritual welfare of the Haudenosaunee.

As long as the human remains are disturbed, there will be spiritual consequences to our people. The desecration of the graves of our ancestors, no matter what the age of the burial, is a violation of our religious freedom.

Permits issued by the State of New York or any other local government, to allow anyone to violate the sanctity of the graves of our ancestors can no longer be tolerated. In the past, our ancestors buried many objects along with the body with the belief that in the afterlife, you will need all of those things that you need in this life.

All types of objects have been associated with burials, including decorated clothing, glass beads, shell beads, silver combs, tools and weapons, ceramic and metal cooking pots, wampum belts, strings of wampum, and a variety of personal items. The removal of these objects from the grave is a theft from the dead.

### Violation of Our Human Rights

The remains of our dead are not "archaeological resources" that are subjects of study. They are human beings who once lived on this land. They had real lives and feelings. They had spiritual expectations about their final resting places. To look at Native Peoples as objects rather than people is a gross violation of our human rights.

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All graves and burial sites, Native or not, deserve respect. Our dead relatives deserve the basic human right to a dignified burial. We do not believe in the use of permanent headstones to mark graves of our ancestors and state law makes a difference between cemeteries and unmarked burials.

Our burial sites deserve to be considered hallowed ground, whether they are

marked or not. There has been a double standard in dealing with our people and non-Native remains. Non-Native grave sites are often afforded more protection than Native burials.

Despite the efforts of state agencies to identify Native grave locations, construction permits are issued nonetheless. Our dead deserve the same right to an eternal resting place as all other races and religions.

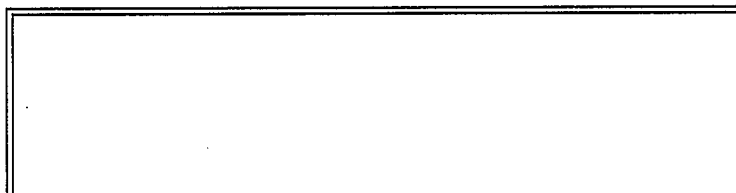
### Violation of Our Treaty Rights

The unearthing of the remains of our ancestors from their eternal resting place is also a violation of the promises made to the Haudenosaunee under the terms of the Canandaigua Treaty of 1794. By that treaty, the United States, including the State of New York, promised not to "disturb" the Haudenosaunee in the free use and enjoyment of their lands.

We have been on record protesting the desecration of our graves. The continual destruction of Native graves, the stealing of the Native remains and the looting of burial objects causes us serious mental, emotional, and spiritual harm.

Our people are continually upset by these events and we have been forced to adjust our spiritual traditions to accommodate outside developments. The desecration of our dead violates the mutual respect promised by the United States as they pledged a firm and permanent friendship between our peoples.

The treaty also promised to remove the cause of complaint that upsets our peace. We therefore make it clear that the desecration of the graves of our ancestors causes great harm to our people and the United States and State of New York have an obligation to protect the general welfare of our people as promised in the legally binding treaties.



#### 4.7 Protocol for Handling Discovery of Human Remains

	<u>Known Burials</u>	<u>Unidentified Burials</u>
<b>When to contact?</b>	<b>Intentional excavation</b> At the earliest time in decision-making process.	<b>Inadvertent Discovery</b> Upon discovery.
<b>Which Nation to contact?</b>	If find is within existing Nation boundary, contact that Nation's Cultural Resource representatives. If the find is within the traditional land use area (fifty mile radius from the current nation territory, contact the closest Nation's Cultural Resource Representative. If the find is within the aboriginal territory of each nation, as shown on the attached map, contact the Nation within that territory. For finds located within fifty miles on either side of the boundary lines shown on the map, contact the Cultural Resource Representatives of both Nations.	
<b>Who to contact?</b>	Haudenosaunee Cultural Resource Representatives  HSCBRR	Haudenosaunee Cultural Resource Representatives  HSCBRR
<b>How to contact?</b>	Contact list is provided.	
<b>Information Required</b>	Brief description of the find or potential find; site map and any information on the known cultural history of the area and summary of nearby archaeological findings.  Nation will send a representative to review the site.	
		Company must hire a Native American on-site observer.
<b>Next steps</b>	<i>Non-disturbance of burials is preferred.</i>  If after proper consultation, the remains must be removed, we prefer to have them reburied close to their original location as possible, provided the future sanctity of the grave can be assured. <i>No remains should be removed without proper cultural protocols.</i> If no safe local burial ground can be offered, the Haudenosaunee will reclaim the remains for reburial at an undisclosed location. The local government /state agency/developer must pay all of the costs for such reburial. All objects associated with the original burial must be reburied as well. All of the soil in the immediate area of the burial should also be placed in the new grave.	
<b>Time Frame</b>	30 to 45 days	As soon as possible